

UPDATED INFORMATIVE DIGEST

The proposed regulations are necessary to implement the mandates of Public Law 109-248, known as the Adam Walsh Child Protection and Safety Act of 2006, which amended 42 United States Code sections 670 et seq. effective January 1, 2008.

This federal law requires changes to the background and criminal history checks for prospective foster and adoptive parents and all adults residing in the home. This applies to all public and private adoption agencies and California Department of Social Services (CDSS) District Offices. Senate Bill (SB) 703 and Assembly Bill (AB) 2651 implemented the new federal provisions.

SB 703 (Chapter 583, Statutes of 2007) requires all licensed public and private adoption agencies in California to implement federal requirements for additional background checks for caregivers including prospective adoptive parents. SB 703 amended Health & Safety Code sections 1522, 1522.05 and 1522.1 to comply with the Act. The amendments require changes in the review of the criminal and child abuse history prior to foster care licensing or certification, relative approval and adoption home study approval. If any person in the household is 18 years of age or older and has lived in another state in the preceding five years, the department or its designated representative must now check the other state's child abuse and neglect registry to the extent required by federal law prior to granting a license to or otherwise approving, any foster family home, certified family home or person for whom an adoption home study is conducted or who has filed to adopt.

AB 2651 (Chapter 701, Statutes of 2008) amended Family Code sections 8712, 8811 and 8908 pertaining to all licensed public and private adoption agencies in the State of California (including independent and intercountry adoptions). These provisions prohibit the final approval of a prospective adoptive applicant/petitioner or any adult residing in the applicant's home if they have been convicted of specified felony crimes, including felony assault, battery and drug or alcohol offenses.

During the process of developing these regulations and amendments, CDSS has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

The additional background checks mandated by the new law will provide greater protection for the health and safety of California's foster children.

The regulations were noticed on October 31, 2014. No changes were made to the proposed regulations following the public hearing.